

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-123074-001 DT

05/17/2016

HONORABLE PETER C. REINSTEIN

CLERK OF THE COURT

J. Matlack

Deputy

STATE OF ARIZONA

NICHOLAS J SACCONE

v.

LONG PHUC HOANG (001)

SEAN R FORRESTER

ALAN M SIMPSON

DOB: December 3, 1982

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

VICTIM WITNESS DIV-AG-CCC

SENTENCE - IMPRISONMENT AND PROBATION

8:44 a.m.

State's Attorney: Nicholas Saccone

Defendant's Attorney: Sean Forrester & Alan Simpson

Defendant: Present

Court Reporter: Renee Mobley

Count(s) 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

Count(s) 25: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 2: Illegally Conducting an Enterprise
Class 3 Felony

A.R.S. § 13-2312(B), 3405, 3408, 2317, 3401, 701, 702, 801, and 811

Date of Offense: On or Between May 13, 2014 and May 20, 2015

Non Dangerous - Non Repetitive

OFFENSE: Count 25: As Amended: Solicitation to Commit Production of Marijuana in
an Amount over 4 pounds

Class 5 Felony

A.R.S. § 13-3405(A)(3), 3405(B)(9), 3401, 1002, 301, 302, 303, 701, 702, 901.01(C),
801, and 811

Date of Offense: On or About May 20, 2015

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment
and is committed to the Arizona Department of Corrections as follows:

Count 25: 1.25 year(s) from May 17, 2016

Presentence Incarceration Credit: 108 day(s)

Less Than Presumptive

Community Supervision: Count 25 - Waived pursuant to A.R.S. § 13-603(K), due to the
term of probation in Count 2.

In the event the Defendant is released by the Department of Corrections on a temporary
release basis, and a term of Community Supervision has been waived, the length of probation
shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-
901(B).

The Court is suspending imposition or execution of sentence and, under the supervision
of the Adult Probation Department (APD), placing the Defendant on probation for:

Upon physical release from prison pursuant to A.R.S. §13-603(K). Count 2: For a period
of 4 year(s).

Conditions of probation include the following:

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Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 2 - \$65.00 per month.

FINE: Count 2 - Total amount of \$10,980.00, which includes surcharges of 83%, payable \$250.00 per month.

PROBATION ASSESSMENT: Count 2 - \$20.00.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

VICTIMS' RIGHTS ENFORCEMENT Count 2 - in the amount of \$2.00.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 2 - \$13.00.

Investigative Agency:

Maricopa County Sheriff's Office

Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 22: Other: Do not own or operate any business without prior authorization from the Adult Probation Department. Have no contact with any of the codefendants in case

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number CR2015-123074-001DT without prior authorization from the Adult Probation Department.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts: 1, 3-9, 11-24, 26-37, 39-45, and 54 as reflected in the Plea Agreement.

Count(s) 25: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS ORDERED exonerating any bond previously posted in this matter to the party posting same.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

Defendant must forfeit interest in all of the property seized in the investigation giving rise to the charges in this case, including without limitation, currency, vehicles, weapons, and contraband.

8:50 a.m. Matter concludes.

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IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE PETER C. REINSTEIN
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)